

EXHIBIT 3

to the

MOTION *IN LIMINE* NO. 4 OF DEFENDANT CBS3 TO PRECLUDE
REFERENCES TO GUIDELINES OF OTHER NEWS ORGANIZATIONS

PROFESSOR CHRISTOPHER HARPER

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

- - -

ANDREA STRAUB, : NO. 14-CV-05634

Plaintiff, :

vs. :

CBS BROADCASTING, INC., :

Defendant. :

- - -

Friday, April 8, 2016

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DISCOVERY DEPOSITION of PROFESSOR CHRISTOPHER HARPER, taken at The Beasley Firm, 1125 Walnut Street, Philadelphia, Pennsylvania, commencing at 10:07 a.m., before Gina E. Scheetz, Registered Merit Reporter, Certified Realtime Reporter, a New Jersey Certified Court Reporter, Certified LiveNote Reporter, Licensed CaseViewNet Realtime Provider, an iCVNet Certified Reporter and Notary Public.

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1 the textbooks that you've written, all of
2 the lectures that you've given and
3 everything else that we talked about in a
4 little bit more detail, can you tell us how
5 you're aware of what the national standards
6 and practices are for newsrooms and how they
7 should be run and how they should present
8 the news?

9 A I've had the opportunity to
10 see how newsrooms run when I was -- when I
11 was in the business of -- of journalism and
12 in the print world and also in the -- in the
13 broadcast world, and then I've had an
14 opportunity in the academic world to take a
15 step back to see what do we do right, what
16 do we do wrong, and so I -- I've had an
17 excellent opportunity to -- to teach
18 students ethical structures, how to approach
19 stories, how to look at the Society of
20 Professional Journalists Code, how to look
21 at the various ethics codes and apply them
22 to -- to how we report news.

23 I've also had the opportunity
24 to teach journalism and the law in both the

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1 News Association, do you see those?

2 A Yes, I do.

3 Q Are those things that you
4 consulted with respect to your opinions in
5 this case?

6 A Yes, I did.

7 Q And why did you do that,
8 please?

9 A These are -- these are -- are
10 standards that are -- that have been looked
11 at by a variety of professional journalists
12 and academics with the Society of
13 Professional Journalists, for example.

14 Their first code of ethics
15 came out when they were known as sigma delta
16 chi in 1926. They've been updated
17 repeatedly. When it comes to the Radio,
18 Television and Digital News Association,
19 again, professionals, academics come
20 together and -- and essentially hash out a
21 lot of things on -- on what should be
22 ethical, what should be legal, what should
23 be news -- you know, generally accepted
24 newsroom standards and practices, so I

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1 applied these, and there are other ethical
2 standards as well, but these are
3 particularly applicable to this case.

4 Q And the two that you've
5 specifically referred to in this case, are
6 those also two that are included in your
7 teaching of the kids at Temple and
8 everywhere else you've taught?

9 A Yes, they are.

10 Q So let's turn now to the time
11 frame in question, which is June 26th and
12 27th.

13 You're aware that CBS aired
14 several reports about the plaintiff, Andrea
15 Straub, and have you reviewed those reports?

16 A Yes, I have.

17 Q Do you have any opinions as to
18 whether or not those reports met generally
19 accepted newsroom standards and practices?

20 A I think that they failed
21 miserably in -- in reaching generally
22 accepted newsroom standards and practices on
23 a number of counts.

24 Q And we're gonna walk through

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1 Q Okay. You viewed them as
2 silly. All right.

3 Now, the fact that he did
4 these special effects for horror films
5 prompted you to call his character into
6 question; right?

7 A No. The -- the thing that --
8 the thing that called it into question for
9 me was his advertisement as the Gore God.
10 Uhm, I -- you know, if something like that
11 comes up, I think that you need to find out
12 a bit more about the individual. Maybe he's
13 credible as a witness in this case. Maybe
14 he's not.

15 But Mr. Hunter didn't take,
16 uhm, that step to find out his credibility,
17 and that's -- that's one of the cornerstones
18 of newsroom standards and practices. It's
19 in, you know -- as -- as I point out in my
20 report, it's -- you know, it's stated in
21 both the SPJ Code of Ethics and also the
22 Radio, Television and Digital News
23 Association.

24 Q All right.

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1 other people will not.

2 BY MR. SULLIVAN:

3 Q All right. Is it your expert
4 opinion that good newsroom practice would
5 require a journalist to tell her viewers
6 that a citation by the police can be
7 contested?

8 A Yes.

9 Q Okay. You think that that's
10 what would be required by good newsroom
11 practice?

12 A Yes.

13 Q Okay.

14 A In most cases, yes.

15 Q Okay. Can you -- you can't
16 point us to any written journalism code of
17 ethics that sets forth that rule, can you?

18 A Well, I can -- I can
19 demonstrate with the Society of Professional
20 Journalist Code of Ethics, for example, that
21 journalists should be aware that people who
22 are charged are not necessarily guilty, so
23 does it say specifically that in every
24 broadcast story that there needs to be these

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1 words? No, the codes don't say that, but in
2 both of the codes that I use in my report,
3 it says that the rights of -- of those
4 charged -- charged needs to be respected,
5 which in my mind would include that they
6 have the ability to -- to challenge it in
7 court.

8 Q Okay.

9 A It's only -- it's only three
10 seconds. That's all it is, three seconds.

11 Q Okay. Let me ask you this:
12 When we met for your deposition, you told me
13 that one of the other concerns you had
14 basically were fair trial free press
15 concerns.

16 Do you remember that
17 discussion?

18 A Not exactly. If you could
19 refresh my memory, that would be useful.

20 Q Okay. So -- we may not need
21 to go down this road.

22 If -- it's not your position
23 sitting here today that one of the concerns
24 you had, I take it, is that this could

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CERTIFICATE

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3

I hereby certify that the witness
was duly sworn by me and that the deposition
is a true record of the testimony given by
the witness.

7

8

9

GINA E. SCHEETZ, RMR, CRR, NJ-CCR, CLR
10 A Registered Merit Reporter
A Certified Realtime Reporter
11 A New Jersey Certified Court Reporter
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13 DATE: April 21, 2016

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